



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,217	05/31/2001	Hanniel Schmidt	10191/1821	1693

26646 7590 09/12/2002

KENYON & KENYON
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER

MILLER, TAKISHA S

ART UNIT	PAPER NUMBER
----------	--------------

2855

DATE MAILED: 09/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/871,217

Applicant(s)

SCHMIDT, HANNIEL

Examiner

Takisha S Miller

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are written in very poor language and are replicated with relative terms such as basic value, measured quantity and additional measured quantities.

Referring to the preamble of claims 1 and 9, it is unclear as to why the applicant is trying to determine a value of a "measured quantity", i.e. if a quantity is already measured why would one want to determine it.

Referring to claim 1, lines 4-5 teaches the step of assuming the measured quantity value as the basic value, therefore it is unclear as to the difference between the measured quantity value and the basic value in lines 6-7. It is assumed that they are the same value.

Referring to claims 6 and 7, these claims do not further limit claim 1 since it is assumed that the basic value and the measured quantity is the same value.

The following action is examiner's best interpretation of the claimed invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Schlichenmaier et al. (5,717,134). Schlichenmaier et al. teaches a method and device for controlling a brake system, the device comprising a control unit (10) for detecting at least one measured quantity/operating variable and including a calibration arrangement (Col. 3, lines 49-50); the method comprising: assuming a measured value of at least one measured quantity/operating variable available on activation of the brake system as the basic value and forming a measured signal for controlling the brake system (cl.1, 9)(Col. 2, line 64 – Col.3, line 11).

Schlichenmaier et al. also teaches the at least one measured quantity/operating variable represents at least one of an extent of an operation of a brake pedal, a braking force on a wheel, a wheel braking force, and a brake circuit pressure (cl.2)(Col. 2, line 64 – Col.3, line 11 and Col. 5, lines 59-62).

Schlichenmaier et al. also teaches the method of determining the basic value only when the at least one measured quantity/operating variable is smaller than a predetermined threshold/tolerance value; correcting the basic value during operation if the at least one measured quantity/operating variable is less than the basic value and determining a new basic value if a

Art Unit: 2855

measured quantity/operating variable is greater than the basic value and less than a predetermined threshold/tolerance value (cls. 3,6,7,8)(Col. 3, lines 53-66 and Col. 5, lines 3-38).

Schlichenmaier et al. also teaches the method of determining basic values of additional measured quantities such as at least one of a braking force on wheel brakes, a wheel brake force and a brake circuit pressure (cls. 4,5)(Col. 2, line 64 – Col.3, line 11).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brearley et al. (U.S. Patent No. 4,920,493) teaches a method of determining and controlling the extent of application of the vehicle brakes in accordance with given driver braking demands, including a plurality of transducers which provide input signals to an electronic control computer corresponding to a plurality of variable operating parameters, such as driver braking demand, axle load, applied braking pressure and vehicle decelerations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Takisha S Miller whose telephone number is (703) 305-4969.


The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Fuller can be reached on (703) 308-0079. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Art Unit: 2855

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

TM
September 6, 2002


Benjamin R. Fuller
Supervisory Patent Examiner
Technology Center 2800